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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. 4-08-70470 WDB
)	No. 4-08-70461 WDB
Plaintiff,)	
)	STIPULATION AND ORDER
vs.)	REGARDING WAIVER OF TIME
)	PROVISIONS OF RULE 5.1 AND 18 U.S.C.
JOSE ANTONIO AGUILAR ESQUIVEL,)	§ 3161(b) AND SETTING DATE FOR
)	STATUS HEARING
Defendant.)	
_____)	

IT IS HEREBY STIPULATED between the plaintiff through its attorney, Joshua Hill, and the defendant through his attorney, Mike McDonnell, that the next hearing on the status of this matter shall be set for October 28, 2008 at 10:00 a.m. Defendant and his counsel continue to waive the provisions of Rule 5.1(c) of the Federal Rules of Criminal Procedure requiring a preliminary hearing to be held within 10 days of his initial appearance and 18 U.S.C. § 3161(b) requiring an indictment to be filed within thirty days from the date of arrest. The United States and defendant continue to discuss the possible resolution of this matter, which may also include

1 resolution of charges currently pending in the Eastern District of Washington. Defendant's
2 waiver is based on the need for continuity of counsel and reasonable time necessary for effective
3 preparation. The defense agrees that the waiver covers all time between September 10, 2008 and
4 October 28, 2008.

5 IT IS SO STIPULATED:

6 Dated: September 12, 2008

/s/ Mike McDonnell
MIKE McDONNELL
Attorney for Defendant

9 Dated: September 12, 2008

/s/ Joshua Hill
JOSHUA HILL
Assistant United States Attorney

12 **ORDER**

13 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that time limits under
14 Rule 5.1(c) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(b) are waived, and
15 the parties shall appear for a status hearing in this matter on October 28, 2008 at 10:00 a.m.

17 Dated: September 15, 2008

Wayne D. Brazil
HONORABLE WAYNE D. BRAZIL
United States Magistrate Judge